

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 26, 2005

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Burkett, Goedde, Marley, Schroder, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Sarah Fuger, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Stennett was recorded present at this order of business.

January 26, 2005

The JUDICIARY AND RULES Committee reports that **S 1054** and **S 1055** have been correctly printed.

DARRINGTON, Chairman

S 1054 and **S 1055** were referred to the Judiciary and Rules Committee.

January 25, 2005

The AGRICULTURAL AFFAIRS Committee reports out **S 1003** with the recommendation that it do pass.

WILLIAMS, Chairman

S 1003 was filed for second reading.

January 25, 2005

The FINANCE Committee reports out **H 6**, **H 7**, **H 8**, and **H 9** with the recommendation that they do pass.

CAMERON, Chairman

H 6, **H 7**, **H 8**, and **H 9** were filed for second reading.

January 25, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1008**, **S 1009**, **S 1010**, and **H 4** with the recommendation that they do pass.

COINER, Vice Chairman

S 1008, **S 1009**, **S 1010**, and **H 4** were filed for second reading.

January 26, 2005

The TRANSPORTATION Committee reports out **S 1011** with the recommendation that it do pass.

BRANDT, Chairman

S 1011 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burkett, Marley, and Schroeder were recorded present at this order of business.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointments of Gary D. Power and Wayne Wright was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burtenshaw, seconded by Senator Stennett, the Gubernatorial appointment of Gary D. Power as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

On motion by Senator Stennett, seconded by Senator Cameron, the Gubernatorial appointment of Wayne Wright as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1056

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO BEEF COUNCIL; AMENDING SECTION 25-2907, IDAHO CODE, TO INCREASE CERTAIN ASSESSMENTS UNDER TERMS SPECIFIED AND TO PROVIDE FOR REFUNDS UNDER TERMS SPECIFIED; AND DECLARING AN EMERGENCY.

S 1057

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS; AMENDING SECTION 49-702, IDAHO CODE, TO PROVIDE THAT THE DRIVER OF A VEHICLE SHALL STOP AND REMAIN STOPPED WHILE THE PEDESTRIAN IS IN THE DRIVER'S LANE OR IS IN AN IMMEDIATELY ADJACENT LANE WITHIN ANY MARKED CROSSWALK OR AN UNMARKED CROSSWALK AT AN INTERSECTION, TO CLARIFY A PEDESTRIAN'S RESPONSIBILITY WHEN LEAVING A CURB OR OTHER PLACE OF SAFETY, TO CLARIFY RESPONSIBILITY OF THE DRIVER OF A VEHICLE APPROACHING FROM THE REAR OF A VEHICLE STOPPED TO PERMIT A PEDESTRIAN TO CROSS THE HIGHWAY AND TO MAKE TECHNICAL CORRECTIONS.

S 1058

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO PEDESTRIANS AND BICYCLES; AMENDING SECTION 49-720, IDAHO CODE, TO PROVIDE STOPPING REQUIREMENTS AT A TRAFFIC CONTROL SIGNAL, LIGHT OR DEVICE FOR PERSONS OPERATING A BICYCLE OR HUMAN-POWERED VEHICLE.

S 1056, **S 1057**, and **S 1058** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1029 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Goedde. Total - 3.

Total - 35.

Whereupon the President declared **S 1029** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1002** retained its place on the Third Reading Calendar for one legislative day.

H 5 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Goedde. Total - 3.

Total - 35.

Whereupon the President declared **H 5** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 11:30 a.m., Thursday, January 27, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary.